

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

BRIAN DEWELL BEAVERS,)
)
Petitioner,)
)
vs.) No. 06-3006-CV-S-GAF-H
)
UNITED STATES OF AMERICA,)
)
Respondent.)

**REPORT AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

Petitioner, an inmate confined at the Untied States Medical Center for Federal Prisoners, has petitioned this Court for a writ of habeas corpus. The petition has been referred to the undersigned for preliminary review under 28 U.S.C. § 636(b). Because petitioner is entitled to no relief, it will be recommended that leave to proceed in forma pauperis be denied.

As grounds for relief in habeas corpus, the petitioner challenges a competency hearing which was conducted in the United States District Court for the District of Montana. He asserts that he was represented by a standby attorney, who failed to consult with him; that he was denied the right to present witnesses, and his right to confrontation.

Whatever the merits of petitioner's allegations, they are cognizable, if at all, in the district of commitment. *Archuleta v. Hedrick*, 365 F.3D 644, 648 (8th Cir. 2004). The commitment order entered in that court is valid on its face, and no further relief is therefore appropriate in this district. See Exhibit Two of respondent's Response to the Order to Show Cause

For the foregoing reasons, it is, pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri,

RECOMMENDED that petitioner be denied leave to proceed in forma pauperis, and that the petition herein for writ of habeas corpus be dismissed without prejudice.

/s/ James C. England
JAMES C. ENGLAND, CHIEF
UNITED STATES MAGISTRATE JUDGE

Date: January 8, 2007